

TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

April 15, 1999

SUBJECT: Special Permit Application SE 1-1-99

APPLICANT: Frank Furia, petitioner / Digital Comm. Link, Inc., owner

ADDRESS/LOCATION: 10450 State Road 84/ Generally located on the southeast corner of State Road 84 and Bright Road

REQUEST: Special permit to increase the diameter of a satellite dish in the "CC" District from 12 feet to 59 feet, pursuant to Town Code Section 12-34(G)(2).

EXHIBITS TO BE INCLUDED: Special permit application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is a 3 acre parcel containing 3 commercial structures, 2 satellite dish antennae having a 23' diameter and 42' diameter, together with a 200' telecommunication tower. The site is bound on the north by the State Road/I-595 corridor zoned T, on the east and south by vacant land zoned CC, and on the west by land zoned T-1 (County) serving as the entrance to the Park City Mobile Home Park.

The communication apparatus on the site is utilized for film, video, audio editing, and post production work. The applicant is a licensed FCC earth station and also provides teleporting services and co-location opportunities on the tower for other communication companies. The site had received favorable special permit consideration in 1995 and again in 1997, allowing an increase in the diameter of satellite dish antennae from 12 feet to 37 feet and then again from 37 feet to 43 feet. The Town also granted a variance in 1995 and again in 1997 to increase the height of telecommunication towers from 20 feet to 160 feet and then again from 160 to 250 feet, with the second request accommodating co-location of equipment relating to the Town's emergency response system.

Review of a special permit request should include consideration of the criteria listed in Section 12-308 of the Land Development Code which is attached hereto, and made a part hereof.

The purpose of the CC District is to encourage development of office, research, business, and light industrial complexes at suitable locations adjacent to arterial roadways. The CC district permits telecommunication apparatus and motion picture studios as principal permitted uses, with satellite dishes limited to 12 feet in diameter but expandable subject to a special permit from the Town Council.

The applicant has an active site plan which proposes 3 structures utilized for office, film production, and storage totaling 23,000 square feet, 10 satellite dishes

and two tower locations. The area designated for apparatus use has approximately a 350 foot separation, 600 foot separation, and 1,500 foot separation from residential uses to the west, southwest, and south respectively.

The applicant states that a satellite dish 59 feet in diameter is necessary in order to accommodate a current large Internet client and future use for film production. The applicant has not provided staff with elevation drawings of the proposed antenna, but states the new antenna would be approximately 80 feet in height, representing an increase of approximately 17 feet in diameter and an increase in the overall height of approximately 30 feet in contrast to the largest existing antenna on the site which is 42-feet in diameter and has an overall height of approximately 50 feet.

The antenna area, where the proposed dish would be located, is on the western portion of the site, approximately 350 feet from the nearest residence. The existing 50 foot high satellite dish is not visible from most residences in Scarborough or Park city due to the separation and a double landscape buffer; Scarborough has a substantial, mature tree buffer on its east property line, and the subject site has a tall, mature tree buffer bordering its west property line along Bright Road. It is not clear whether the proposed 59 foot diameter dish would be visible from nearby residences to the west or visible to some residences approximately 1,500 feet to the south within the Ridgeview Lake Estates North Community which is unbuffered on its north side as the remaining portion of the adjacent CC lands are undeveloped.

The applicant has stated that adequate communication apparatus is essential to the success of the applicant's business. Digital Film Link is a prominent high-technology business that benefits the Town by allowing Davie to have a role in the burgeoning motion picture industry in South Florida, and provides regional and national exposure to the Town. The Town should encourage the growth of this facility provided it remains compatible with adjacent residential areas. Based upon the information provided, the size of the proposed satellite antenna may be incompatible with the area. The applicant has not adequately demonstrated that the existing buffers and the distance separation would be sufficient to obscure the visibility of the antenna from nearby residential uses. Consideration must be given to existing and future conditions as the mature trees consist primarily of invasive Australian pines and may be removed upon further development of the CC property adjacent to the site under separate ownership.

RECOMMENDATION: The Planning and Zoning Division therefore recommends **DENIAL** of the requested special permit to increase the diameter of a satellite antenna from 12 feet to 59 feet, with findings that the request may create incompatibilities with adjacent and nearby uses.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **DENIAL** (4-1, Mr. Davenport dissenting), February 24, 1999.

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-308. Review for special permits.

Whether or not:

- (a) Is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) Will create an unrelated and incompatible adjacent use;
- (c) Will adversely affect conditions in the neighborhood or the town;
- (d) Will create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;
- (e) Will adversely affect surrounding property values;
- (f) Will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (g) Will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

EXISTING ZONING: CC
-CODE SECTION:

PROPOSED ZONING:
CODE SECTION:

LAND USE DESIGNATION: Commercial Office

TOWN OF DAVIE USE ONLY	
PETITION NO.	5E1-1-99
FEE.	\$930.00
RECEIPT No.	1374

RECEIVED
JAN 13 1999

TOWN OF DAVIE
SPECIAL PERMIT APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to Town of Davie

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

DATE FILED: 1/12/99

PHONE: (954) 236-2993

PETITIONER: Digital Comm Link, Inc

MAILING ADDRESS: 10450 ST. RD. 84, DAVIE, FL 33324

RELATIONSHIP TO PROPERTY: OWNER

OWNER: FRANK A FURIA

MAILING ADDRESS: SAME AS ABOVE

ADDRESS OF PROPERTY: SAME AS ABOVE

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

SEE ATTACHED

ACREAGE:

REQUEST: INCREASE Height of 13 meter to 18 meter Dish.

REASON FOR REQUEST: (attach additional sheet as necessary).

INCREASE in size of SATELLITE Dish THAT HAS BEEN APPROVED, FROM 13 METER to 18 meter DUE TO A clients REQUEST, FOR WORLDS LARGEST INTERNET PROVIDER.

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY	
APPROVED AS TO FORM: <u>Jat</u>	PUBLICATION DATE: <u>1/27/99</u>
MEETING DATE: PLANNING AND ZONING BOARD: <u>2/10/99</u>	TOWN COUNCIL: <u>3/3/99</u>
NOTICES SENT: <u>20</u>	REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____	

FRANK A FURIA
OWNER'S NAME(S)
Frank A Furia
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
10450 ST. RD. 84
ADDRESS
DAVIE, FL 33324
CITY, STATE, ZIP
(954) 236-2993
PHONE

The foregoing instrument was acknowledged before me
this 13 day of JAN., 1999, by
FRANK A FURIA who is personally
known to me or who has produced _____

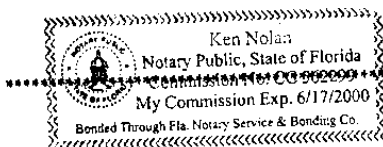
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Ken Nolan

Print: KEN NOLAN

My Commission Expires:



OFFICE USE ONLY

02/10/99 - P&Z Board tabled to 02/24/99 gkt
02/24/99 - denial gkt

DIGITAL COMM LINK
PETITIONER'S NAME
Frank A Furia
PETITIONER'S SIGNATURE
10450 ST. RD. 84
ADDRESS
DAVIE, FL 33324
CITY, STATE, ZIP
(954) 236-2993
PHONE

The foregoing instrument was acknowledged before me
this 13 day of JAN, 1999, by
FRANK A FURIA who is personally
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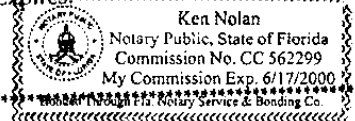
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Ken Nolan

Print: KEN NOLAN

My Commission Expires:



LEGAL DESCRIPTION

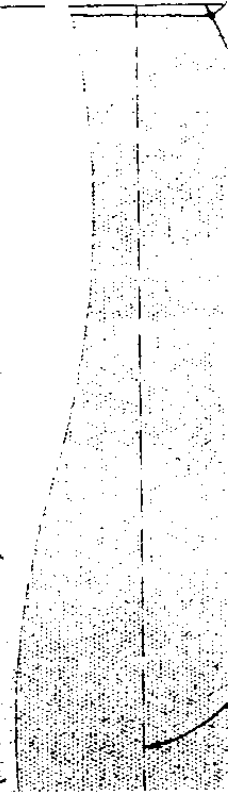
A PARCEL OF LAND, BEING A PORTION OF PARCELS "A", "B", & "C", GBC PROPERTIES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 144, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL "B", SOUTH 75°15'46" EAST, 115.00 FEET; THENCE SOUTH 14°44'14" WEST, 30.00 FEET TO A POINT ON THE ARC OF A TANGENT CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 78.54 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 75°15'46" EAST, 100.00 FEET; THENCE SOUTH 14°44'14" WEST, 456.39 FEET; THENCE NORTH 75°15'46" WEST, 265.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL "A"; THENCE ALONG THE WESTERLY LINE OF SAID PARCELS "A", "B" AND "C", NORTH 14°44'14" EAST, 536.39 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE TOWN OF DAVE, BROWARD COUNTY, FLORIDA, AND CONTAINING 3.000 ACRES (130,680 SQUARE FEET) MORE OR LESS, AND SUBJECT TO ALL EASEMENTS, DEEDS AND RIGHTS-OF-WAY OF RECORD.

NOTE: ONLY SPECIMEN TREES LOCATED FOR THIS SURVEY

REMAINDER OF
- PARCEL "C"
(NOT INCLUDED)



LEGAL DESCRIPTION OF PROPOSED ACCESS EASEMENT

THAT CERTAIN INGRESS/EGRESS EASEMENT, LYING OVER AND ACROSS A PORTION OF PARCEL "B", GBC PROPERTIES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 144, PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, ALONG THE NORTH LINE OF SAID PARCEL "B", SOUTH 75°15'46" EAST, 114.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE, SOUTH 75°15'46" EAST, 35.00 FEET; THENCE SOUTH 59°44'14" WEST, 49.50 FEET; THENCE NORTH 14°44'14" EAST, 35.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE TOWN OF DAVE, BROWARD COUNTY, FLORIDA, AND CONTAINING 612.5 SQUARE FEET, (0.0141 ACRES), MORE OR LESS.

FLOOD INSURANCE RATE MAP INFORMATION

COMMUNITY NO. 120035

PANEL NO. 0195

SUFFIX F

EFFECTIVE DATE OF MAP - 8/18/92

FLOOD ZONE AH

BASE FLOOD ELEVATION = 6.0

REMAINDER OF
- PARCEL "A"

